

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

WELLS FARGO BANK, N.A.,

Interpleader Plaintiff,

vs.

Case No.: 4:19-cv-04141-KES

ANTONIO CABALLERO,

KEITH STANSELL, MARC GONSALVES,
THOMAS HOWES, JUDITH JANIS,
CHRISTOPHER JANIS, MICHAEL JANIS,
JONATHAN JANIS and

OLIVIA PESCATORE, JOSH PESCATORE,
JADA PESCATORE, JARROD PESCATORE,
JORDAN PESCATORE, CAROL PESCATORE
HARPSTER individually and as the representative
of the estate of FRANK PESCATORE SR.,
RICHARD PESCATORE, JOHN PESCATORE,
CAROLYN PESCATORE and

BANCO CONTINENTAL S.A.,
GOVERNMENT OF HONDURAS, and
INVERSIONES CONTINENTAL (PANAMA),
S.A. DE C.V. a/k/a GRUPO CONTINENTAL

Interpleader Defendants.

_____)

MOTION TO TRANSFER BECAUSE OF IMPROPER VENUE

Pursuant to Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. §§ 1404(a) and 1406(a), the ATA Judgment Creditors hereby move to transfer venue to the U.S. District Court for the District of Columbia (“D.D.C.”). None of the defendants reside in South Dakota. As such, Wells Fargo’s Amended Complaint fails to satisfy the required statutory interpleader venue rule in 28 U.S.C. § 1397 and venue is improper in this district, but can be cured by transfer to the D.D.C.

The ATA Judgment Creditors moving for transfer are: Keith Stansell, Marc Gonsalves, Thomas Howes, Judith Janis, Christopher Janis, Michael Janis, Jonathan Janis (the Stansell ATA Judgment Creditors), and Olivia Pescatore, Josh Pescatore, Jada Pescatore, Jarrod Pescatore, Jordan Pescatore, Carol Pescatore Harpster, individually and as Representative of the Estate Of Frank Pescatore Sr., Richard Pescatore, John Pescatore, and Carolyn Pescatore (the Pescatore ATA Judgment Creditors) (collectively, the ATA Judgment Creditors).

Respectfully submitted October 21, 2019.

/s/ Timothy W. Billion

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2019, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court by using the CM/ECF system, which constitutes service on the following parties:

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**CERTIFICATE OF SERVICE
TO NON-APPEARING PARTIES OR COUNSEL**

I HEREBY CERTIFY that on October 21, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that I served the foregoing document by electronic mail or First Class international mail to the following persons who are not on ECF:

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